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of
WITNESSES

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Thursday, 29 January 1948

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting,
with the exception of: HONORABLE JUSTICE LORD PATRICK,
Member from the United Kingdom of Great Britain, not
sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except SHIRATORI and LOHIHARA, who are represented by
5 counsel. The Sugamo Prison surgeon certifies that
6 they are ill and unable to attend the trial today.

7 The certificates will be recorded and filed.
8 Mr. Cunningham.

9 - - -

10 FRITZ VON PETERSDORF, called as a
11 witness on behalf of the prosecution, resumed the
12 stand and testified through a German interpreter
13 as follows:

14 CROSS-EXAMINATION (Continued)

15 BY MR. CUNNINGHAM (Continued):

16 Q Yesterday I asked the witness a question
17 concerning the strength of the Kwantung Army, and he
18 said he got most of the data from Zorge. That related
19 to page 5, questions 5 and 6, of the affidavit.

20 Now, Mr. Witness, can you tell us the kind
21 of information, military information, you got from
22 Zorge which related to the military strength of the
23 Russian Far Eastern Army as well as the Kwantung Army?

24 THE PRESIDENT: General Vasiliev.

25 GENERAL VASILIEV: If the Tribunal please,

1 I am very sorry that I am again forced to make an
2 objection. But similar questions have been rejected
3 previously, and if Mr. Cunningham is going to repeat
4 his questions on this line for a hundredth time, then
5 I would be obliged to make my objection for a hundredth
6 time, too.

7 MR. CUNNINGHAM: I merely refer the Tribunal
8 to page 5, questions 5 and 6, general information.

9 THE PRESIDENT: We do not want the details,
10 Mr. Cunningham.

11 MR. CUNNINGHAM: Well, your Honors, I do
12 not see how you can evaluate this information in 5 and
13 6 without getting a breakdown as to the source of the
14 information.

15 THE PRESIDENT: It is not so much source as
16 nature of the information.

17 MR. CUNNINGHAM: That is the point of the
18 discussion. The value of information lies in its
19 source, not in its nature.

20
21 GENERAL VASILIEV: It seems to me I have got
22 to explain that we do not charge the German Embassy
23 that it transferred the information received from the
24 Japanese sources, but we charge the leaders of the
25 Japanese Government who furnished the information to
the German Embassy; and, therefore, it is of no

1 interest to the Tribunal what sources the Japanese
2 Embassy used except ~~the~~ Japanese Government, and we
3 speak only with regard to the Japanese Government.

4 RUSSIAN MONITOR: Japanese General Staff.

5 THE PRESIDENT: Would the English reporter
6 please repeat the last question objected to?

7 (Whereupon, the last question was
8 read as follows: "Now, Mr. Witness, can you
9 tell us the kind of information, military
10 information, you got from Zorge which related
11 to the military strength of the Russian Far
12 Eastern Army as well as the Kwantung Army?")

13 THE PRESIDENT: By a majority, the objection
14 is sustained and the question disallowed.

15 Q Now, Mr. Witness, you state that part of
16 your information came from the Japanese General Staff
17 and part from Zorge. What was the source of Zorge's
18 information, if you know?

19 THE PRESIDENT: General Vasiliev.

20 GENERAL VASILIEV: If the Tribunal please, I
21 object to this question as it seems quite the same as
22 the previous one, quite similar as the previous one.
23 In that part of the affidavit which had been tendered
24 by us, there is no mention of the information received
25 by Zorge, and, therefore, the question is out of the

scope of the affidavit.

1 THE PRESIDENT: Mr. Cunningham, I have to
2 take a vote on all these questions in view of what
3 happened yesterday. It takes a lot of time, but I
4 cannot help it. I am taking no risks. Mostly I decide
5 these things offhand. Once a dissent is expressed, I
6 must then be careful and take a vote.
7

8 MR. CUNNINGHAM: Your Honor, I am basing
9 this question upon the cross-examination, not upon the
10 basis of the affidavit.

11 THE PRESIDENT: By a majority, the objection
12 is sustained and the question disallowed.

13 Q Mr. Witness, you stated that some of your
14 information was obtained from Mr. Zorge. At whose
15 instance in the German Embassy or elsewhere did
16 Mr. Zorge gather information.

17 THE PRESIDENT: General Vasiliev.

18 GENERAL VASILIEV: I object to this question
19 on the same grounds. It seems to me that the time
20 has come to direct Mr. Cunningham that he should not
21 put such questions which were already rejected by the
22 Tribunal and which are going to be rejected by the
23 Tribunal. It is a pure waste of time.
24

25 THE PRESIDENT: Mr. Cunningham, I will hear
what your reason is because you may have support on

scope of the affidavit.

1 THE PRESIDENT: Mr. Cunningham, I have to
2 take a vote on all these questions in view of what
3 happened yesterday. It takes a lot of time, but I
4 cannot help it. I am taking no risks. Mostly I decide
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14 information was obtained from Mr. Zorge. At whose
15 instance in the German Embassy or elsewhere did
16 Mr. Zorge gather information.

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18 GENERAL VASILIEV: I object to this question
19 on the same grounds. It seems to me that the time
20 has come to direct Mr. Cunningham that he should not
21 put such questions which were already rejected by the
22 Tribunal and which are going to be rejected by the
23 Tribunal. It is a pure waste of time.

24 THE PRESIDENT: Mr. Cunningham, I will hear
25 what your reason is because you may have support on

the Tribunal.

1
2 MR. CUNNINGHAM: Well, your Honors, the
3 witness has stated that he received part of this vital,
4 exact information from Richard Zorge. Now, it is
5 inconceivable that the military attache and assistant
6 military attache would take information from a source
7 without checking its source and the reasons why that
8 information was being gathered. And that leads up
9 to the following question.

10 THE PRESIDENT: By a majority, the objection
11 is sustained and the question not allowed.
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Q Do you recall on or about the date when
1 Richard Zorge quit giving information to the military
2 attache and to you concerning the matters which you
3 mentioned in your statement yesterday?

4 THE PRESIDENT: A majority of the Court
5 think that although this cross-examination may be
6 technically within the scope of the affidavit it is
7 quite useless and we are only wasting time on some-
8 thing which is affording us no assistance.
9

10 We have an obligation to conduct a fair but
11 expeditious trial subject to its being a fair trial.
12 This cross-examination is not necessary in the interest
13 of fairness, and it is certainly preventing us from
14 carrying out our duty to conduct an expeditious trial.
15 Yesterday afternoon during the mid-afternoon recess
16 we discussed this cross-examination, and there was no
17 dissent as to what we thought about it.

18 MR. CUNNINGHAM: Well, I admit this, your
19 Honor: that the cross-examination is only of the
20 same extent and value as the testimony of the witness
21 in chief. I suggested yesterday that by accepting the
22 evidence in this witness's affidavit, the wide, sweeping
23 generalities which would cause considerable investiga-
24 tion into the details was a useless waste of time.
25 But the Tribunal thought in its wisdom to accept this

information and to hold it against these accused.

1 Now, the prosecution in offering the evidence thought
2 it was important, and the Tribunal by accepting it
3 considered it of probative value and of importance,
4 and certainly it bears investigation. Now, I only
5 have a few more questions on this line, but the
6 questions are based upon the past ones that he has
7 testified to, and I would like to have the privilege
8 of asking them -- not the privilege, but I would
9 like to exercise the right of asking them.

10 I will pass this last question.

11 Q When did you discover that Richard Zorge,
12 from whom you had been receiving exact data, was a
13 Russian spy?
14

15 THE PRESIDENT: What did the witness
16 say? He said something in English -- I am told he
17 did not.

18 THE MONITOR: We understood the witness
19 went just so far as to say: "When you told me..."
20 Then he was interrupted.

21 THE PRESIDENT: Do not say any more, then.

22 GENERAL VASILIEV: I object against the form
23 of this question and against the substance of this
24 question. In its substance the question is irrelevant
25 and is outside of the scope of the affidavit, and in

1 its form it is an attempt to attack the country
2 which is represented in this Tribunal, and against
3 that attack categorically I object. The Tribunal has
4 not as yet established the fact whether Zorge was a
5 Russian spy or some other sort of spy, and therefore
6 Defense Counsel Cunningham has no right to state that.

7 THE PRESIDENT: I must make it plain that we
8 are not here to prevent things being said about our
9 respective countries, even to their detriment. We
10 will protect our respective countries against gratui-
11 tous insult, but we will not reject relevant and
12 material evidence simply because it may reflect on
13 our countries provided it does not amount to pure,
14 gratuitous insult.

15 GENERAL VASILIEV: I know that the defense
16 tried to introduce an excerpt from a newspaper and
17 that excerpt was rejected by the Tribunal, and therefore
18 the defense counsel has no right to state that this
19 man was a Russian spy or a spy of some other country.

20 MR. CUNNINGHAM: Well, your Honor, I wish
21 to assure the Tribunal that this is no gratuitous
22 insult to the Russian or any other government. The
23 fate of three nations rested to a great extent upon
24 the information which Richard Zorge was sending out of
25 the German Embassy.

1 THE PRESIDENT: This is a statement you
2 have no right to make unless you can establish it or
3 have a right to establish it.

4 MR. CUNNINGHAM: That is no idle statement,
5 your Honor.
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1 THE PRESIDENT: It is a statement of fact
2 which you have no right to make and it is difficult
3 to see how you can ever hope to prove it.

4 MR. CUNNINGHAM: Well, I can quote you the
5 statement, if your Honors please, if you desire it,
6 but I am quite sure that it shouldn't be necessary
7 at this time. But I can give you the three factors
8 which went into that statement very simply.

9 THE PRESIDENT: You cannot hope to justify
10 making such a statement before this Court.

11 MR. CUNNINGHAM: Well, now, I certainly can't
12 hope to justify it unless I have an opportunity, but
13 I can give you three factors for your consideration
14 which would cause anybody to give consideration to
15 this matter.

16 THE PRESIDENT: We consider evidence and
17 evidence alone; the law and the law alone. We are
18 not going to be effected by prejudice such as you
19 like to create.

20 Proceed with your cross-examination, please.

21 Q When did you discover, if you did discover,
22 that Richard Zorge was a Russian spy?

23 THE PRESIDENT: General Vasiliev.

24 GENERAL VASILIEV: I object to this question
25 on the same grounds.

1 MR. CUNNINGHAM: I think the question is
2 justified.

3 THE PRESIDENT: By a majority the objection
4 is sustained and the question disallowed.

5 BY MR. CUNNINGHAM (Continued):

6 Q Do you know, Mr. Witness, that Ambassador
7 Ott was relieved of his post as Ambassador to Japan
8 on account of the developments in the Richard Zorge
9 case?

10 GENERAL VASILIEV: Objection on the same
11 grounds. I do not want to waste the time of the
12 Tribunal on more detailed argument and objection for
13 which I would have found grounds.

14 THE PRESIDENT: The objection is sustained and
15 the question disallowed.

16 Q As I understand it, Ambassador Ott supported
17 Zorge even to the last after his arrest. Are you
18 aware of the situation which existed between Ambassador
19 Ott and Zorge after the arrest of Zorge in 1941?

20 THE PRESIDENT: This Zorge issue is purely
21 a collateral side issue, introduced probably for the
22 purpose of wasting our time. We know in criminal
23 jurisdictions we do not subject our police to any
24 examination as to the sources of their information.
25 What bearing has it on any issue, even on the question

1 of the credibility of this witness? None that you
2 have shown.

3 MR. CUNNINGHAM: Well, I don't want to
4 prolong the debate, your Honor. I merely make my
5 offer of proof that the offer of cross-examination
6 for the further questions would go to the association
7 of this witness with a person known as OZAKI, Hozumi;
8 also with an associate of Zorge, Bronko Devoukelitch;
9 also a Japanese by the name of MIYAGI.

10 THE PRESIDENT: I would like to know whether
11 any large section of the Tribunal would care to
12 investigate the operations of what may have been a
13 spy ring in Tokyo, or whether they propose to confine
14 themselves to the issues before us as set out in the
15 Indictment.

16 We will adjourn now to take the views of the
17 majority after discussion, and I shall loyally obey
18 whatever the decision of the majority is.

19 MR. CUNNINGHAM: May I have one further word
20 before you go, please? When this person --

21 THE PRESIDENT: We will adjourn for a few
22 minutes.

23 (Whereupon at 1010, a recess was taken
24 until 1100, after which the proceedings were re-
25 sumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: The view of the majority of
4 the Tribunal is simply this: The affidavit of the
5 witness and his subsequent examination in chief was
6 directed purely to show cooperation between Japan and
7 Germany. The accuracy or the inaccuracy of the inform-
8 ation upon which that cooperation was based and the
9 source from which it came are purely collateral issues
10 which we have no authority to investigate. We have
11 decided to disallow any cross-examination in relation
12 to those matters, collateral matters.

13 Mr. Cunningham.

14 MR. CUNNINGHAM: May I now continue with my
15 offer of proof, the reasons why I suggest this is
16 relevant and important?

17 THE PRESIDENT: We have decided. You have
18 given your reasons a dozen times on every objection.

19 MR. CUNNINGHAM: Well, I might say for the
20 balance of the questions which are coming the prosecu-
21 tion in presenting this witness stated: "The defense
22 introduced evidence to the effect that information
23 received by Germany from the Japanese General Staff
24 concerning military position of the U.S.S.R. was
25 scarce and useless, record page 24,619."

1 THE PRESIDENT: We value it purely as showing
2 cooperation or collaboration, if any. The discussion
3 is closed.

4 MR. CUNNINGHAM: Well, I suppose--

5 THE PRESIDENT: Proceed with your cross-
6 examination and do not attempt to argue with me.

7 BY MR. CUNNINGHAM (Continued):

8 Q Now, Mr. Witness, I will go to the part of your
9 affidavit which relates to the transfer of goods and
10 materials from Japan to Germany. Was there any other
11 method of exchange of commodities between Japan and
12 Germany after 1941 than the blockade runner, as far as
13 you know?

14 A I believe not.

15 Q Do you have any figures or any recollection of
16 the percentage of ships and commodities which were sunk
17 en route between Japan and Germany as a result of this
18 hazard of transferring the goods by blockade runner?

19 A I have no definite information as to the
20 involvements in this particular matter because Admiral
21 Wenneker, the German Naval Attache, kept this matter
22 strictly secret. I have no definite information but
23 I heard on my return to Germany on a blockade runner
24 in 1943 that in the fall of 1942 seven German blockade
25 runners were sunk by British action -- were torpedoed.

MR. CUNNINGHAM: That is satisfactory.

1 Now, your Honor, I would like to ask the
2 Tribunal to enter an order permitting the defense to
3 interview this witness with the possibility of
4 subpoenaing him for the purpose of rebutting the
5 testimony offered by the prosecution through this
6 witness.

7 THE PRESIDENT: Apply to me in Chambers and
8 if such an application is possible I shall consider
9 it on its merits.

10 MR. CUNNINGHAM: Well, I ask that this
11 witness be retained in Tokyo until the application
12 has been filed and acted upon. I don't want him
13 taken back to Moscow.

14 THE PRESIDENT: There is no need to make an
15 observation here. Every witness is discharged on the
16 usual terms, which means he must be released by the
17 Court finally. You could say those things to me in
18 Chambers but you elect to say them here, and I know why.

19 MR. CUNNINGHAM: That ends my cross-examina-
20 tion. Mr. Blewett has some further questions to ask
21 on cross-examination.
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25

THE PRESIDENT: Mr. Blewett.

1 MR. BLEWETT: If the Tribunal please, cross-
2 examination on behalf of the defendant TOJO.

3 CROSS-EXAMINATION (Continued)

4 BY MR. BLEWETT:

5 Q On page 2 of your affidavit you relate your
6 first meeting with General TOJO in November 1938. Now,
7 will you tell me, if you can, what was the reason for
8 an outing or celebration on the occasion of the con-
9 clusion of the Anti-Comintern Pact in 1938?

10 A I do not believe that there can be any sig-
11 nificance attached to the particular date. The per-
12 sonnel of the Attache were simply invited for a
13 recreational excursion of the Tokyo area.

14 Q Well, of course, as you know, the pact was
15 concluded in 1936, isn't that right?

16 A Yes.

17 Q Well, then, as you say, there is no special
18 significance attached to the phraseology in your
19 statement that it was in celebration of the conclusion
20 of the Anti-Comintern Pact.

21 A That might naturally be so, but the facts
22 took place approximately ten years ago; and, there-
23 fore, I couldn't reiterate any accurate statement.

24 Q What was General TOJO's position at that time,
25

in November, 1938?

1 A I believe that he was chief of the Japanese
2 Air Force -- Commander of the Japanese Air Force at
3 that time -- of the Japanese Army Air Force.

4 Q If I tell you that the record in this
5 trial and the evidence shows that he was not appointed
6 to the Air Force until December, would you change
7 your opinion on that?
8

9 A That would only then be the proof of the
10 fact that over a period of ten years I have committed
11 an error in judgment of about six or seven weeks.

12 Q Of course, at that time you were the
13 Language Officer; you had not as yet assumed your
14 duties as assistant to the military attache, isn't
15 that correct?

16 A That is true, but since the first day of my
17 arrival in Tokyo, I had been working in the office
18 of the military attache.

19 MR. BLEWETT: I refer the Tribunal to page
20 38,415 of the record and the words of the prosecution
21 when they introduced the affidavit of this witness,
22 to the effect that TOJO in his cross-examination
23 admitted a conversation with the German Ambassador
24 in the summer of 1942. The prosecution stated to the
25 Tribunal that the purpose of putting this witness on

1 was to rebut the testimony of TOJO on page 36,797 of
2 the record. No doubt the Tribunal has referred to
3 that page, but I would like to quote just one ques-
4 tion and answer of the Chief Prosecutor, if I may.

5 THE PRESIDENT: Perhaps it is a matter for
6 summation, Mr. Blewett; but, if it is just a short
7 question and answer, I suppose we will not insist.

8 MR. BLEWETT: Very short, sir, and I would
9 like the witness to hear it.

10 BY MR. BLEWETT (Continued):

11 Q The Chief Prosecutor asked General TOJO this
12 question: "I will ask you specifically if you recall
13 having a conversation with Ambassador Ott in his resi-
14 dence in December, 1942 in the presence of von Peters-
15 dorf and General Kretschmer." And TOJO answered, "I
16 don't recall the exact date, but I remember having
17 had a conversation with him and with such people."

18 On page 3 of your affidavit you refer to a
19 confidential conversation between Ott and TOJO in
20 June or July, 1942. You further stated, if your affi-
21 davit is correct, that TOJO requested the interview
22 and that the conversation took place in Ott's office.
23 Is the time of the conversation as you state in your
24 affidavit?
25

A I believe yes.

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Q How do you know that TOJO asked Ott to receive him?

A From General Kretschmer, the German military attache.

Q What time of day did it take place?

A In the afternoon.

Q Who accompanies General TOJO to this meeting?

A As interpreter for TOJO, General YAMAZAKI was present and two other Japanese officers whose names I don't know.

Correction: Captain YAMAZAKI.

Q Now you state in your affidavit that you knew General SUGIYAMA, did you not?

A Yes.

Q What was his position at that time?

A I do not recall definitely.

Q Can you recognize any other accused in this dock as being present at that conference?

A No.

Q Was not General SUGIYAMA present as Chief of the Army General Staff?

A My whole attention was resting on General TOJO and therefore I could not say.

Q What position did General TOJO occupy at that time? I mean the time that you say this conference

took place?

1 A I believe he was War Minister at that time.

2 Q In 1942?

3 A At the time this conference took place.

4 Q Did you not know as Assistant Military Attache
5 that after June 1941 the German Foreign Minister
6 directed Ott to urge the Japanese to enter the war
7 against Russia?

8 A No.

9 Q Are you not familiar with the secret cipher
10 telegraph report sent by Ott to the German Foreign
11 Minister on October 4, 1941?

12 A No, and I had no way of -- I had no access
13 to the Cipher Bureau of the embassy.

14 Q Well, don't you know in your position as
15 Assistant Military Attache that that message referred
16 to a discussion between Ott and TOJO, the Chief of
17 the General Staff, and another officer?

18 A This is the first I have heard of this tele-
19 gram.

20 Q Well, now, you were present at the conference,
21 and at that conference did not Ott endeavor to urge
22 that the Japanese Army start a campaign and attack
23 Siberia?

24 A During this conference General TOJO spoke
25

VON PETERSDORF

CROSS

1 mostly alone and I do not recall that this subject was
2 mentioned from General Ott.

3 Q What do you mean that he spoke alone?

4 A He spoke, that is, General TOJO spoke and Ott
5 listened.

6 Q Didn't you hear General TOJO and Chief of the
7 General Staff SUGIYAMA refuse this request?

8 A I do not recall having heard that Mr. Ott
9 ever made a question of that type to the Japanese.

10 Q Well, now, didn't Ott report this to his
11 government in that telegram I referred to of October 4
12 or sometime around about that time?

13 A After this conference I only talked for a very
14 short period of time with General Kretschmer, and he
15 told me that he had talked to Attache Ott regarding this
16 matter and that the reports had been sent to Berlin.

17 MR. BLEWETT: I refer the Tribunal to exhibit
18 788-A which is a telegram from Ott to the German Foreign
19 Ministry reporting the discussion with TOJO, the Chief
20 of the General Staff, and MUTO.

21 Q Wasn't this Japanese refusal -- excuse me.

22 THE PRESIDENT: General Vasiliev.

23 GENERAL VASILIEV: I invite the Tribunal's
24 attention that the statement of defense counsel is
25 pure argumentation. He himself connects the telegram

1 sent in October with the conference or negotiations
2 which took place in July 1942.

3 THE PRESIDENT: Well, this is to save further
4 cross-examination, I take it.

5 MR. BLEWETT: That is all, your Honor.

6 THE PRESIDENT: We not only allow that, we
7 encourage it.

8 Q And was not this Japanese refusal to attack
9 Russia the reason why Kretschmer was in a pessimistic
10 mood?

11 A I never heard directly of any such refusal but
12 I do believe that the Japanese would logically not let
13 themselves be dictated to by another power in this matter.
14 General Kretschmer was very pessimistic for this reason,
15 the reason being that he considered an attack upon
16 India as splitting up the striking forces of the Japanese
17 power.

18 Q Well, possibly he was pessimistic because of
19 the information he received that Japan may go south,
20 wasn't that right?

21 A At this time the Japanese had made quite a
22 progress in a southerly direction and I would not know
23 just where further south they could have gone.
24
25

Q Well, I will clear that up later.

1 Did not Ott in September 1941, pursuant to
2 instructions from Berlin, invite TOJO, SUGIYAMA and
3 MUTO to dinner at the Embassy?

4 A I have no knowledge of occurrences and agree-
5 ments that were made between Berlin and the Embassy --
6 with Ambassador Ott.

7 Q Well, weren't TOJO and SUGIYAMA and MUTO
8 invited to dinner at the Embassy by Ott in September
9 '41?
10

11 A It often occurred that such invitations were
12 issued to higher officers of the Japanese staff, and
13 that these agreements -- that these meetings took
14 place in the Embassy. At many of these invitations I
15 was personally present, but I do not recall this one
16 of which you are speaking in particular.

17 Q TOJO was War Minister at that time, I think,
18 was he not? And I suggest that you a few moments ago
19 informed us that he was War Minister at the time this
20 conversation took place.

21 A I cannot definitely recall what General TOJO
22 was at that time. But in any case I do know that he was
23 one of the highest ranking officers of the Imperial Army --
24 of the Japanese Empire.

25 Q Of course, you had a deep knowledge of the

1 Japanese and especially the Army and the governmental
2 set up. Now, in 1942 of course, as you know, General
3 TOJO was Prime Minister, and do you feel from your
4 knowledge that it would be ordinary procedure for a
5 Prime Minister to go to an ambassador's office for a
6 consultation?

7 A That is exactly what emphasizes the meaning
8 of this conference.

9 Q I suggest to you that this conference that
10 you refer to in your affidavit took place in September
11 1941 when TOJO was War Minister.

12 A In September of 1941 I was in vacation in
13 Kawana.

14 Q How long were you away from Tokyo in the
15 summer of '41, or the fall of '41?

16 A Approximately ten to fourteen days.

17 Q Well, possibly you will recall, wasn't it at
18 that dinner that TOJO informed Ott that Japan would
19 not attack the U.S.S.R.?
20

21 A I do not believe that General TOJO would utter
22 an answer to such an important statement in the presence
23 of subordinates at a dinner party -- in the presence
24 of servants at a dinner party.

25 Q Well, I am not assuming that this conversation
took place at the dinner table. This conference no

doubt took place after dinner.

1 A I heard no comments of that nature from
2 General TOJO.

3 Q Did not Ott and Kretschmer and other Germans,
4 probably yourself, at this discussion deduct that Japan
5 was not prepared for military operations either in the
6 north or the south?
7

8 A I did not understand the question in toto.
9 Would you kindly repeat it?

10 (Whereupon, the question was
11 read back by the official court reporter.)

12 A I believe that General Kretschmer and Attache
13 Ott were under the impression that Japan was capable of
14 making such undertakings. Only General Kretschmer was
15 still pessimistic despite these views in regarding
16 this matter.

17 Q Well, you know from your position as Assistant
18 Military Attache that that was what was reported to
19 your home government, wasn't it?
20

21 A I know that Attache Ott did inform Berlin as
22 to the contents of these conversations. But General
23 Kretschmer never consulted me or talked to me in
24 regards to this matter.

25 Q Now, from your knowledge of the military
organization in Japan, isn't it true that if any

1 discussion was related to any kind of war plans either
2 concerning Russia or the South Pacific --

3 THE MONITOR: Will you repeat the question?

4 THE PRESIDENT: Repeat it after lunch.

5 We will adjourn until half past one.

6 (Whereupon, at 1200, a recess was taken.)
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AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at 1330.

2 MARSHAL OF THE COURT: The International
3 Military Tribunal for the Far East is now resumed,

4 THE PRESIDENT: Mr. Blewett.

5 MR. BLEWETT: I have just a few more questions,
6 if the Tribunal please.

7 THE PRESIDENT: One was not answered.

8 MR. BLEWETT: The witness may disregard the
9 forepart of the question that was started before recess.
10 I shall withdraw that.

11 - - -

12 FRITZ VON PETERSDORF, called as a
13 witness on behalf of the prosecution, resumed the
14 stand and testified through a German interpreter
15 as follows:

CROSS-EXAMINATION

16 BY MR. BLEWETT (Continued):

17 Q You refer to one conference between TOJO and
18 Ott and you say other Japanese officers were present.
19 I referred you to evidence of a conference reported
20 to your government by Ott as taking place sometime
21 after June 1941 and before October 4, 1941. As Lan-
22 guage Officer it may be proper to assume that you would

1 be present. Is it not possible you might be confused
2 after these many years as to the exact year that such
3 a conversation took place?

4 A That is quite impossible that I made a mistake
5 as to the date of this conference since the Japanese
6 War Minister as well as a Japanese Minister were present
7 at this conference. You were talking of a conference
8 which took place in 1941, I am referring to a conference
9 of 1942.

10 Q You say two generals were present at the con-
11 ference which you referred to in your affidavit. Who
12 were they?

13 THE PRESIDENT: General Vasiliev.

14 GENERAL VASILIEV: The witness twice replied
15 to that question. I think that the question put for
16 the third time will bring no help to us.

17 THE PRESIDENT: I am not sure that he did
18 reply.

19 MR. BIEWETT: I don't recall, sir.

20 THE PRESIDENT: Answer again, to save time.

21 A I have forgotten the name of these two generals.

22 Q Were there any other Japanese officers present
23 in addition to these two generals?

24 A Captain YAMAZAKI.

25 Q Any others?

A I believe not.

Q Now, what is your present status?

A I am a German prisoner of war in the Soviet Union.

Q Have you been charged with any crime?

A No.

Q Were you educated in a military academy as a future officer in the German Army?

A About eight years at the cadet school.

Q When did you enter the German Army?

A July 1918 -- June 1918.

MR. BLEWETT: That is all, if your Honor please.

THE PRESIDENT: General Vasiliev.

Q GENERAL VASILIEV: I have only one question.

Will you tell me, Mr. Witness, whether the German General Staff gave any estimation to your work in establishing liaison with the Japanese General Staff?

THE WITNESS: I was at the Japanese General Staff more than three hundred times, and on the information received there I conferred information to Germany to the German General Staff. As I returned in 1943 to Germany and reported to the Attache -- to the Chief of the Attache Section Schuhardt --

MR. CUNNINGHAM: Just a minute.

1 THE PRESIDENT: Oh, let him finish. We are
2 not going to have these interruptions.

3 THE WITNESS: And he told me that this informa-
4 tion which I was able to confer in my capacity has been
5 of considerable importance to the German General Staff,
6 and that due to this information proper precautions and
7 actions could be taken in regards to the Russian Army.

8 GENERAL VASILIEV: That concludes my cross-
9 examination. May the witness be excused on the usual
10 terms?

11 THE PRESIDENT: Re-examination.

12 THE RUSSIAN INTERPRETER: Correction: Re-
13 examination instead of cross-examination.

14 THE WITNESS: I have no further questions and
15 I have nothing further to say.

16 THE PRESIDENT: That may or may not be a
17 correct translation.

18 (Whereupon, the witness was excused.)

19 THE PRESIDENT: IPS document No. 3164 was
20 reserved for consideration.

21 We have looked further into that matter relating
22 to border incidents, and more particularly exhibits
23 2685, 6 and 7. It does appear that the documents ten-
24 dered by the defense were in all cases based in turn
25 on documents which were brought into existence without

1 any knowledge that these proceedings would eventuate,
2 and that those documents were tendered for identifica-
3 tion and marked accordingly.

4 However, by a majority IPS document No. 3164
5 is admitted on the usual terms, and the objections there-
6 to are overruled.

7 CLERK OF THE COURT: The Report of the Frontier
8 Corps Department Home Ministry, Mongolian People's
9 Republic, will receive exhibit No. 3859 for identifica-
10 tion only; the excerpt therefrom, being prosecution
11 document 3164, will receive exhibit No. 3859-A.

12 (Whereupon, the document above
13 referred to was marked prosecution exhibit
14 No. 3859, the excerpt therefrom being marked
15 prosecution exhibit No. 3859-A and received
16 in evidence.)
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1 GENERAL VASILIEV: If the Tribunal please, I
2 do not propose to read this document, because it con-
3 tains facts which, if taken separately, are of no
4 special importance.

5 I next offer in evidence IPS document 3359.
6 I introduce in evidence the judgment and sentence of
7 the U.S.S.R. Supreme Court Military Collegium in the
8 case of Semyonov, Rodzaevsky, and others, the proceed-
9 ings taking place from August 26 to August 30, 1946.

10 This document rebuts the defense evidence
11 to the effect:

12 (1) That the sabotage and subversive acti-
13 vities against the U.S.S.R. were not carried on and
14 that the White Russian emigrants were not employed
15 for this purpose, record pages 19,940; exhibits 2670,
16 2678, 2679, and 2683.

17 (2) That Semyonov and Rodzaevsky were not
18 connected with the Japanese Government and with those
19 accused, exhibit No. 2688, record pages 23,486;
20 exhibit No. 3161, record page 28,172.

21 (3) That Japan did not plan the initiation
22 of a large-scale war against the Soviet Union in case
23 of a favorable-for-Japan course of the Khassan Lake
24 and Nomonhan events, exhibit No. 2636, record page
25 22,840.

1 If the Tribunal admits the document, I am
2 going to read only the descriptive part of the
3 judgment in which the U.S.S.R. Supreme Court stated
4 the facts established by them.

5 THE PRESIDENT: Major Blakeney.

6 MR. BLAKENEY: I wish to object to this
7 document, primarily on the grounds that it represents
8 an indirect attempt to put into evidence here the
9 testimony of witnesses which was once offered and
10 subsequently rejected by the Tribunal as having no
11 probative value.

12 The major part of this document consists
13 of what I suppose we would call findings of a court
14 specifically based upon testimony of four such wit-
15 nesses, they being the Russians Semyonov and Rodzaevsky,
16 and the Japanese TOMINAGA and YANAGITA.

17 The testimony of these four men has here-
18 tofore been presented to the Tribunal in the form
19 of affidavits, and after a full consideration of the
20 matter, the Tribunal eventually rejected those affi-
21 davits, the final determination to that effect being
22 found on page 33,236 of the record.

23 Additionally, I should like to point out
24 that down to the ultimate paragraph of page 3, the
25 affidavit deals with matters from the period of the

1 Siberian Expedition and other periods antedating the
2 commencement of the Indictment herein, all of which
3 matter has been recently determined by the Tribunal
4 to be irrelevant to the issues arising in this case.

5 It is therefore submitted that the document
6 has no probative value, is unimportant, and, being
7 merely cumulative of other evidence of the same type,
8 should be rejected.

9 MR. SUGAWARA: Mr. President, I object to
10 the offer of this document on behalf of the accused
11 ARAKI, on the ground, primarily, that this document
12 contains important errors in translation.

13 The thirteenth line, page 7 of the Japanese
14 text, says, "alienate or divide Eastern Siberia from
15 the Soviet Union," whereas the corresponding part in
16 the English text reads--

17 MR. BLAKENEY: It is on page 3, second
18 paragraph from the bottom.

19 MR. SUGAWARA: Whereas the English text
20 reads, "annexation of Eastern Siberia," and so forth.

21 THE MONITOR: The difference is in the
22 one word "annexation" in the English text, and "divi-
23 sion" in the Japanese text.

24 MR. SUGAWARA: In the Japanese text, ARAKI
25 has nothing to do with this division or separation

1 of Siberia. However, the English text reads as
2 though ARAKI has some relationship with this plan
3 of annexation. This being an important error, I
4 wish this text to be corrected according to the Russian
5 original.

6 Secondly, in the Japanese text there are
7 the following words:

8 "Generals TANAKA and ARAKI and others are
9 the inspirers of the Japanese aggressive plans."

10 THE PRESIDENT: We refer the Japanese to
11 the Language Section.

12 We shall take steps to have the Russian
13 checked if the document is admitted, of course.
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1 GENERAL VASILIEV: We will make all the necessary
2 corrections gladly.

3 MR. SUGAWARA: I should like to be heard about
4 my second reason because it is an important one.

5 The words which are found in the text, namely,
6 "...the inspirers of Japanese aggressive plans . . ."
7 Generals TANAKA and ARAKI -- those express the opinion
8 or the judgment of the Russian court, and those words
9 were not included in Semenov's testimony.

10 Thirdly, this document purports to show that
11 Semenov had personal contacts or relations with ARAKI --
12 only personal relations with ARAKI.

13 THE MONITOR: Japanese court reporter.

14 (Whereupon, the Japanese court
15 reporter read.)

16 THE INTERPRETER: "This document only shows that
17 Semenov had personal relations with General ARAKI."

18 MR. SUGAWARA (Continuing): But nothing is said
19 about the aid which might have been given by ARAKI to
20 Semenov in order to let the latter perpetrate the crime.

21 THE MONITOR: "There is nothing in this docu-
22 ment which shows that ARAKI aided Semenov in committing
23 the crimes purported to have been committed by Semenov."

24 MR. SUGAWARA (Continuing): I therefore contend
25 that this document has neither relevancy nor materiality

1 concerning ARAKI's case, and therefore it should be re-
2 jected.

3 THE PRESIDENT: General Vasiliev.

4 GENERAL VASILIEV: I partially agree with the
5 statement made by Mr. Blakeney, namely, to delete every-
6 thing from this affidavit which relates to events prior
7 to 1928.

8 As to the balance of the document, I must re-
9 affirm my request that the document be admitted in
10 evidence since the reasons set forth by the defense are
11 not convincing.

12 The affidavits of the witnesses Semenov,
13 Rodzaevsky, and others were not admitted or, rather,
14 were disregarded by the Tribunal since we failed to
15 produce the witnesses for cross-examination and only
16 for that reason, and it doesn't prevent this document
17 from being admitted in evidence.

18 This sentence was inflicted by the highest
19 court in the Soviet Union. It covers factual material
20 which has bearing upon the issues of this case and will
21 be helpful to the Tribunal in considering all the matters
22 pertaining to our section of the Indictment.

23 THE PRESIDENT: By a majority the objection is
24 sustained and the document rejected.

25 General Vasiliev.

1 GENERAL VASILIEV: We offer in evidence IPS
2 document No. 1230-C, telegram sent by Stahmer from Tokyo
3 to Berlin in February, 1943.

4 We introduce it, based on the following grounds:

5 1. TOJO in his testimony depicted the role
6 played by him in the conclusion of the Tripartite Pact
7 as a very small one, record pages 36,188 to -195.
8 Stahmer gives quite another estimation of TOJO's partic-
9 ipation in the conclusion of the Tripartite Pact, and
10 Stahmer, as it is known, knows better than anybody else
11 who played what role in that matter.

12 2. In his testimony TOJO presented himself as a
13 person who after the German attack on the Soviet Union
14 maintained a loyal attitude toward the U.S.S.R., record
15 pages 36,128, 36,483 to -84. Stahmer's telegram shows
16 what the actual attitude of TOJO personally and of the
17 Japanese Government in general toward the Soviet Union
18 was at that time.

19 THE PRESIDENT: Mr. Blewett.

20 MR. BLEWETT: If your Honor please, we realize
21 this is an official document, but we object to its ad-
22 mission in evidence on its weight and probative value.

23 It sets out in the first paragraph that this
24 constitutes Stahmer's over-all impressions, based on
25 conversations. The date of the telegram is February,

1 1943, and at that time Stahmer had only been in Japan a
2 short period of time as Ambassador. As a matter of fact,
3 it is just about the time he reached here.

4 Furthermore, Stahmer testified in this court
5 and no attempt was made to cross-examine him on this
6 document, and we therefore do not see why it is proper
7 even in rebuttal.

8 We assume it is an official document, but of
9 course there is no certificate as to the source or
10 authenticity of it. But we object to its admissibility
11 on the ground that it has no probative value and is
12 certainly of no value to this Tribunal.

13 THE PRESIDENT: General Vasiliev.

14 GENERAL VASILIEV: I will start from the last
15 objection. I invite the Court's attention that this
16 document has been already admitted for identification,
17 bearing exhibit No. 807, among other documents. There-
18 fore, we do not have to present any special certificate.
19

20 The fact that by the moment of the writing of
21 this telegram Stahmer was an ambassador for a short
22 period of time does not belittle the reliability of this
23 evidence, because under the impression of his arrival he
24 naturally had a number of talks, and he reports on the
25 results of these talks, and consequently it has probative
value.

1 As far as TOJO is concerned, he is referring to
2 a fact which he witnessed himself. Thus, in the second
3 part of the telegram, he says that Prime Minister TOJO
4 stated, and so forth. Therefore, I ask that the docu-
5 ment be admitted in evidence.

6 THE PRESIDENT: By a majority the objection is
7 overruled and the document admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution document
9 1230-C will receive exhibit No. 3860.

10 (Whereupon, the document above
11 referred to was marked prosecution exhibit
12 No. 3860 and received in evidence.)

13 GENERAL VASILIEV: I will read the text.

14 "TELEGRAM IN CODE (G. Ch. V.)

15 "Foreign Office, Berlin

16 "No. _____ of February 1943

17 "To the Foreign Minister

18 "From conversations which I had recently with
19 the Prime Minister, Ministers of the Navy, Chiefs of the
20 Naval Staff and of the General Staff, with Ministers
21 AOKI and SUZUKI, etc., I gained the following over-all
22 impression:
23

24 "All parties stressed their firm conviction in
25 victory and expressed the desire for the closest possible
co-operation with Germany, as well as their complete

1 confidence in the accomplishments of our Armed Forces and
2 those of our people. The necessity and importance of
3 direct contact between Japan and Germany in any manner
4 possible was stressed and that this be given special
5 prominence in view of the propaganda effect on our
6 enemies. All visits were extremely cordial and personal,
7 lasting longer than was originally planned.

8 "Prime Minister TOJO stated that he was not con-
9 cerned by the situation in Russia. He was convinced of
10 the ultimate victory of German arms. At the moment he
11 was particularly interested in the situation in North
12 Africa, Turkey, and Spain. He would be grateful for
13 bulletins on all important events and would also be pre-
14 pared to give us any information whatever quite freely.
15 The war at present is a war of weapons and nerves,
16 particularly in retrospect to enemy propanganda which
17 seeks to use all possible means to weaken Japanese-
18 German friendship. In this connection he mentions
19 neutral diplomats who were spreading false and damaging
20 rumors. The Prime Minister then discussed the Chinese
21 situation with me and requested that we continue these
22 discussions in the future. I request your approval of
23 this.
24
25

1 "Prime Minister TOJO who as Minister of War
2 played an important role in the conclusion of the
3 Tripartite Pact, is unquestionably the strongest
4 personality in the Japanese Cabinet, thanks to his
5 leadership abilities. Despite these characteristics
6 and his popularity with the people he has been attacked
7 several times (See Telegram No. 478 as of 6.2). This
8 is due to the unique existing circumstances. Previous
9 centuries of vague representations of the Emperor
10 as a purely spiritual figure led to the belief, since
11 the Meiji Restoration, in comparatively frequent
12 changes of government, so that no outstanding pre-
13 dominating character could in any wise assume the
14 aspects of the Emperor. Under these circumstances
15 it is not inconceivable that TOJO even if his policies
16 are approved of at present may have to withdraw
17 after a given time. Such a withdrawal would be
18 regrettable from the German point of view, since
19 TOJO, as described above, is a dynamic personality and
20 an outspoken friend of Germany. On the other hand
21 the change in government would not affect the Japanese
22 policy under the Tripartite agreement since it is
23 universally recognized here that Japan's fate is bound
24 up with the Axis Powers.
25

"Stahmer."

1 We offer in evidence prosecution document
2 No. 1230-D, a telegram from Ribbentrop, sent from
3 Berlin to Tokyo on September 6, 1944.

4 This telegram is introduced to rebut the
5 following defense allegations:

6 1. In 1944 the Japanese Government, being
7 quite disinterested, was anxious to bring about
8 peace between the Soviet Union and Germany, exhibit
9 No. 3557.

10 Ribbentrop's telegram shows that the actual
11 purpose of Japan's attempt to bring about the conclusion
12 of separate peace between the U.S.S.R. and Germany
13 was the desire to save Hitlerite Germany, as her
14 defeat was more or less certain at that time.

15 2. In their testimony OSHIMA and TOJO
16 contended that the military alliance between Japan
17 and Germany was of a nominal nature, and that the
18 Japanese Government maintained a loyal attitude toward
19 the Soviet Union, record page 34,026, 34,043, 36,482.

20 Ribbentrop's telegram shows how closely
21 Germany and Japan were bound in the common war waged
22 by them, and that the war of Germany against the
23 U.S.S.R. was regarded by the Japanese Government as
24 a common cause of Germany and Japan.
25

THE PRESIDENT: Mr. Cunningham.

1 MR. CUNNINGHAM: I object to the introduction
2 of this document.

3 First, I would like to have the Tribunal note
4 the numbers, 1230-D, which indicates that these
5 documents have been in the possession of the prosecution
6 for about two years, forwarded to Japan on 30 March
7 1946. It deals with the belated period in the war, not
8 upon any of the primary issues of the case. It has
9 no probative value from that standpoint. It is merely
10 a diplomatic expression of the existing situation
11 which isn't important at that stage of the proceedings.
12 And it is very difficult at this time to open this
13 issue and answer these allegations, especially under
14 the present circumstances.

15 GENERAL VASILIEV: This document belongs to
16 the same group from which I have just presented the
17 previous document.

18 This is one of the German documents captured
19 in Berlin and this probably accounts for -- and they
20 are all in German and that involved certain difficulties,
21 and probably accounts for the fact that we were unable
22 to prepare them rapidly -- were unable to sort them
23 out rapidly.

24 THE PRESIDENT: By a majority the objection
25 is overruled and the document admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution document
2 1230-D will receive exhibit No. 3861.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution exhibit No.
5 3861 and received in evidence.)

6 GENERAL VASILILV: In the interest of time
7 saving, I think it possible to read ~~only~~ the second
8 part of this telegram starting from part "C" with
9 the words "OSHIMA declared," and so forth.

10 " OSHIMA declared to this that the Japanese
11 Government would take no steps in this direction
12 without our concurrence. On his question whether
13 we had changed our war aim toward the Soviet Union,
14 the 'Fuhrer' answered that when a state falls apart
15 therewith everything falls apart. The Infantry of
16 the Soviet Union is bad and when once the entire
17 structure of the Soviet Union begins to totter, then
18 everything will fall apart, as happens again and again
19 among the Slavs. Stalin did not capitulate when we
20 stood at the Don, the same now holds true for Germany.
21 The Carthaginians stood before Rome once, but the
22 Romans did not capitulate and finally dragged a
23 ploughshare over Carthage. When again we would go
24 on the offensive against the Red Army cannot be said
25 at the moment. But we cannot be on the defensive on

1 all fronts at the same time. OSHIMA declared once
2 more that Japan would fight on the side of Germany
3 until final victory had been achieved and that it
4 would use its last troops to realize this, as there
5 is only one road for Japan, which it will follow to
6 the end. The 'Fuhrer' closed the conversation then
7 with assurance that the same will for fight and
8 victory remained also with the Germans and that with
9 such determination of the two powers victory must
10 be theirs.

11 "Von Ribbentrop."

12 We offer in evidence prosecution document
13 No. 1230-E, telegram sent by Ribbentrop to Tokyo, to
14 the German Ambassador to Japan on February 13, 1944.

15 This document rebuts the defense evidence
16 to the effect that the Japanese Government pursuing
17 peaceful means endeavoured in 1944 to bring about
18 general peace, record page 34,551, exhibit 3557.

19 This document shows that the Japanese
20 Government's proposal about the conclusion of peace
21 was dictated by the desire to save Hitlerite Germany
22 and all other Axis powers from defeat.

23 THE PRESIDENT: Major Furness.

24 MR. FURNESS: I object to the introduction
25 of this document on the same grounds as that advanced

1 for the preceding document and on some additional
2 grounds.

3 It has nothing to do with the proposals
4 mentioned in the last document. I am not familiar
5 with the record page of the exhibit which is mentioned
6 by the prosecutor. I do wish to say that the original
7 document is in English not in German and apparently
8 it was decoded by some one. I don't know what the
9 original was.

10 I would like to point out that there was
11 never a Japanese Ambassador in Germany named KAWAHARA.

12 GENERAL VASILIEV: The first document
13 belongs to the same series which has been already
14 identified and I don't think it necessary to refer
15 to it again.

16 Now, I can tell it precisely, because when
17 I referred to it for the first time, I think I was
18 not quite correct. I have now before me a forwarding
19 letter from the United States War Department to Mr.
20 Keenan, the Chief Prosecutor, which states -- which
21 contains a statement of procurement of these documents.
22 This certificate is contained in exhibit 807 for
23 identification.
24

25 THE PRESIDENT: By a majority the objection
is sustained and the document rejected.

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1 GENERAL VASILIEV: I offer in evidence a group
2 of IPS documents bearing numbers 2245-A, 1217-A, 1217-B,
3 3028, 3022-A, B and C, which give the contents of
4 statements made by SHIGEMITSU in 1943-1944, when he was
5 Foreign Minister.

6 My first document is SHIGEMITSU's speech at the
7 Diet on June 6, 1943; which is IPS document No. 2245-A.

8 Defense witnesses testifying in SHIGEMITSU's
9 individual defense stated that SHIGEMITSU was opposed
10 to the alliance with Germany, record pages 34,513-14,
11 34,516-17, 34,532; that SHIGEMITSU wished Britain's
12 victory over Germany, record pages 34,518-20; that he
13 was opposed to war of Japan against Britain and U.S.A.,
14 record pages 34,529, 34,531, 34,533; and was in favor of
15 the speediest end of the war by means of reaching a
16 friendly agreement, and that being a proponent of
17 general peace SHIGEMITSU could not be a party to the
18 conspiracy, record pages 34,551-58.

19 In rebuttal of this defense evidence, we pre-
20 sent the statements made by SHIGEMITSU himself. My first
21 document is SHIGEMITSU's speech in the Diet on June 6,
22 1943 --

23 Correction: On June 17, 1943, which is IPS
24 document No. 2245-A.

25 If the Court please, in the interest of time

1 saving I am going to read only excerpts from this and
2 the subsequent documents if they are admitted by the
3 Tribunal.

4 THE PRESIDENT: Are they all public speeches
5 during the war?

6 MR. FURNESS: Your Honor, they are all public
7 speeches, except for public telegrams which were sent
8 and which were published in newspapers. The telegrams
9 are routine telegrams of felicitation. These speeches
10 are all long after the war started, and in many instances
11 after the declaration by the Allied governments at Cairo
12 and Teheran. There is not a thing to rebut in the
13 position taken by the accused SHIGEMITSU prior to the
14 start of the war. They do not rebut efforts to end
15 the war. I submit that as public speeches in the midst
16 of the war they have no importance in deciding the issues
17 of this case.

18 There was not at any time any attempt to con-
19 ceal, or, as your Honor pointed out, they are all public
20 speeches long after the man's country came into the
21 war, and except for this very first one, long after the
22 declarations by the Allied governments at Cairo and
23 Teheran to the effect that Japan should be stripped of
24 all her possessions.

25 I have individual objections of more formal

nature, but that is my general objection.

1 Now, in the case of 1217-A, there is no cer-
2 tificate of authority or origin.

3 GENERAL VASILIEV: I would prefer the defense
4 counsel to refer to the document now being tendered,
5 because otherwise there may be confusion, because Mr.
6 Furness is referring to some other document.

7 MR. FURNESS: Oh, I thought he was tendering
8 them all at once.

9 THE PRESIDENT: What has this document, or
10 what have these documents to do with the Russian phase,
11 General?
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nature, but that is my general objection.

1 Now, in the case of 1217-A, there is no cer-
2 tificate of authority or origin.

3 GENERAL VASILIEV: I would prefer the defense
4 counsel to refer to the document now being tendered,
5 because otherwise there may be confusion, because Mr.
6 Furness is referring to some other document.

7 MR. FURNESS: Oh, I thought he was tendering
8 them all at once.

9 THE PRESIDENT: What has this document, or
10 what have these documents to do with the Russian phase,
11 General?
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1 GENERAL VASILIEV: First of all, according
2 to the distribution of functions in the prosecution,
3 we are in charge of the case against SHIGEMITSU.
4 Secondly and more specifically, this document proves
5 the waging of joint aggressive war by Germany and
6 Japan. One of the elements of this war was Germany's
7 war against the Soviet Union and Japan's war prepara-
8 tions against the U.S.S.R. Certainly these documents
9 are interwoven with other matters, and it always so
10 happens that when a document is presented, some other
11 problems are touched upon. I know that the defense has
12 presented a number of statements made by the accused
13 when it was in their interest. Now we are presenting
14 similar documents.

15 MR. FURNESS: I submit again, your Honor --

16 THE PRESIDENT: By a majority the objection is
17 sustained and document No. 2245-A is rejected.

18 We have not seen the others. I think we had
19 better see them before we pass any judgment on them.

20 GENERAL VASILIEV: I now offer IPS document
21 1217-A, being the reply made by SHIGEMITSU at the Diet
22 on October 27, 1943.

23 THE PRESIDENT: Major Furness.

24 MR. FURNESS: If the Court please, this docu-
25 ment stands on exactly the same grounds as the docu-

1 ment which the Tribunal has just rejected. The grounds
2 are even stronger, since this is definitely after the
3 statement made by the Allied governments at Cairo on
4 December 1, 1943. The statement at the beginning says
5 "Minister of Home Affairs." I don't know whether that
6 is just a clerical error or not.

7 Your Honor, I have the wrong document when I
8 say that. But this again is a Diet speech of October
9 27. I believe no year is shown, but it is long after
10 the war started.

11 THE PRESIDENT: The 83rd Session of the Diet,
12 whenever that was.

13 MR. FURNESS: It is October, 1943, as I under-
14 stand it. It stands on exactly the same footing as
15 the document which has just been rejected, and that
16 ruling, I submit, should govern this.

17 THE PRESIDENT: General Vasiliev.

18 GENERAL VASILIEV: The Tribunal has regarded
19 very important so far to establish the position and the
20 standpoint of the accused with regard to the principal
21 matters. I can quote dozens of examples when such
22 documents were admitted from the defense.

23 THE PRESIDENT: By a majority the objection
24 is sustained and the document rejected.

25 We will recess for fifteen minutes.

CHOGDAN

DIRECT

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(Whereupon, at 1:45, a recess was
taken until 1500, after which the proceedings
were resumed as follows:)

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: General Vasiliev.

GENERAL VASILIEV: May the witness Chogdan
be called in?

- - -

P U N T S U G I N C H O G D A N, recalled as a witness
on behalf of the prosecution, having been
previously sworn, testified through Mongolian
interpreters as follows:

THE PRESIDENT: You are still on your former
oath.

GENERAL VASILIEV: May the witness be shown
IPS document 3157?

(Whereupon, a document was handed to
the witness.)

DIRECT EXAMINATION

BY GENERAL VASILIEV:

Q Have you examined the document?

A Yes.

Q State your first and last name, please.

A Puntsugin Chogdan.

Q Your military rank in the Mongolian Army?

1 A My military rank is Major.

2 Q Is the document you have just examined your
3 affidavit?

4 A Yes, that is my affidavit.

5 Q Are all the statements therein true and correct?

6 A Yes, true and correct.

7 Q Did you give your testimony without any duress?

8 A Without any duress.

9 GENERAL VASILIEV: I now offer in evidence
10
11 IPS document 3157, the affidavit of Major Chogdan of
12 the Army of the Mongolian People's Republic, who will
13 testify about the Khalkin-Gol events in order to rebut
14 the defense evidence to the effect that the right bank
15 of the Halka River had not been guarded by the Mongolian
16 border guards and the border virtually passed along
17 the river (record page 22,998, 23,029); that there
18 were no border marks on the right bank (record page
19 22,994-5); that the Mongolian troops were the first
20 to open hostilities and occupied the right, that is,
21 eastern bank of the river (record page 22,595, 23,029,
22 23,016).

23 Major Chogdan was in command of the Mongolian
24 border guard outpost in the Khalkin-Gol area, and he
25 personally guarded the section claimed by the Japanese.

1 He is an eye witness of the events from the very be-
2 ginning and, therefore, his testimony will be of great
3 importance to the Tribunal and, from the legal stand-
4 point, it is quite proper for this stage of the trial.

5 THE PRESIDENT: Major Blakeney.

6 MR. BLAKENEY: I wish to object to the
7 reception of this affidavit on several grounds.

8 The affidavit, although offered as rebuttal,
9 can hardly be considered to be such, seeing that it was
10 drawn in December 1946 or prior to the beginning of the
11 defense case; and, actually, it contains no matter
12 which might not properly have been, and matter similar
13 to which actually was, introduced in the prosecution's
14 case in chief. In any event it is merely cumulative
15 in view of other evidence which has been introduced,
16 including the testimony of another witness yesterday,
17 and in that view, I submit, can have no importance at
18 this stage.

19
20 In addition I wish to make this objection on
21 the form of the document: That so far as can be ascer-
22 tained from the original or the copies served upon the
23 defense, this is another double translation, that is,
24 apparently from Mongolian to Russian, and from Russian
25 to English, and perhaps thence to Japanese -- I don't
know. So, if this document be accepted, we shall have

1 in hearing it in that form very little assurance that
2 it bears any relation to the original.

3 THE PRESIDENT: We have taken all precautions
4 to have it checked by experts and to have records made
5 of it. There will be a sound record as well as the
6 written one.

7 MR. BLAKENEY: The sound recording, of course,
8 your Honor, will not record what is written, which is
9 what I am now directing my remarks to.

10 THE PRESIDENT: If there is any mistake in
11 the English we will be able to discover it, we hope,
12 with the assistance of experts and the records that I
13 mentioned.

14 MR. BLAKENEY: That, of course, would then
15 entail, your Honor, if this document is important, the
16 recalling of the witness after the experts shall have
17 done their work in order that we might cross-examine
18 on the true document.

19 THE PRESIDENT: The check will be carried out
20 within a few hours.

21 MR. BLAKENEY: I should like only to point out
22 further, your Honor, that the reasons of expediency
23 which necessitate the double translation of the oral
24 testimony can hardly apply to this document which in its
25 written form has been in possession of the prosecution

1 since, at latest, December 1946, during which time
2 I am confident they could have had a direct translation
3 into English prepared had they so desired. If we have
4 anyone available competent to check oral testimony
5 from a recording, I submit that he could surely be
6 employed to check this written Mongolian document
7 against the purported English translation of it and
8 assure us whether it is or is not, in effect, the
9 same document.

10 THE PRESIDENT: By a majority the objections
11 are overruled and the document admitted on the usual
12 terms.

13 CLERK OF THE COURT: Prosecution document
14 3157 will receive exhibit No. 3862.

15 (Whereupon, the document above
16 referred to was marked prosecution exhibit
17 No. 3862 and received in evidence.)
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1 GENERAL VASILIEV: I shall read the affidavit
2 omitting the formal parts, starting from questions and
3 answers:

4 "Q. How long and in what position did you serve
5 in the Khalkin-Gol frontier Guard detachment of the
6 troops of the Ministry of Home Affairs of the M.P.R.?

7 "A. I served in the frontier guard detach ment
8 of the troops of the Ministry of Home Affairs of the
9 M.P.R. from October 1938 till October 1940 and occu-
10 pied various positions, having started as a private
11 and finally become Commander of the frontier guard
12 detachment.

13 "Q. What was your position in 1939?

14 "A. I was Commander of the frontier guard out-
15 post near lake Samburin Tsagan Nur.

16 "Q. Where was the frontier guard outpost you
17 were commander of, and where did the state border line
18 run on the territory of the outpost?

19 "A. The frontier Guard outpost of the Khalkin-
20 Gol frontier guard detachment, where I served, up to
21 June 5, 1939 was one klm. west of Samburin Tsagan-
22 Nur, which is 30 klm west of the state border line.
23 By order of the command on June 5, 1939, our outpost
24 of the Khalkin-Gol frontier guard detachment was
25 transferred to a point 1 klm southwest of Khulat Ulun-

1 obo. The state border line on the territory of our
2 frontier guard outpost ran from Aris Ulun-obo in a
3 straight line northward up to Khulat Ulun-obo. Far-
4 ther on from Khulat Ulun-obo the state border line
5 went straight northwest up to Namur Khan Burd-obo.

6 "Q. Give a detailed account of whether there
7 were instances of violations of the state frontier
8 of the Mongolian People's Republic and of attacks
9 against your outpost from the adjacent territory dur-
10 ing your service in the frontier guard outpost near
11 Lake Sumburin Tsagan-Nur?

12 "A. During the time of my service in the outpost
13 near lake Sumburin Tsagan-Nur our outpost was sub-
14 jected to repeated attacks both from Japanese Bargut
15 detachments and units of the Japanese forces. For
16 instance, on the night of May 11, 1939 a temporary
17 frontier guard patrol 20 men strong under the command
18 of political instructor of the outpost Tsedjipa was
19 dispatched by me to the area 6 km southwest of
20 Namun-Burd-obo. At about 8 o'clock in the morning
21 on May 11, 1939 a Japanese Bargut cavalry detachment
22 300 men strong, armed with machine guns and sub-ma-
23 chine guns, rifles and grenades, accompanied by 4
24 trucks crossed the state frontier in the area Namun
25 Khan Burd-obo and attacked the frontier guard outpost.

1 "During the fighting against the reconnais-
2 sance detachments of this unit a soldier of our fron-
3 tier guard Batachir and the grenadier Duvshin-Norbo
4 were killed and private Ochirbat was wounded. Besides,
5 three horses were killed.

6 "Under the pressure of superior enemy forces
7 our frontier guard patrol was forced to retreat into
8 the Mongolian territory. The Japanese Bargut unit
9 advanced 20 klm deep into our territory, but was
10 stopped in the area Nuren-obo, 18 klm south of Namun
11 Khan Burdobo by our reserve frontier guard unit that
12 arrived at that time, and then toward the evening of
13 May 12, 1939 was driven back on to its territory.

14 "On May 14, 1939 in the morning, while being
15 dispatched to the outpost in the area of lake Sumburin
16 Tsagan-Nur from the frontier guard patrol stationed
17 3 klm west of Namun Khan Buard-obo, I received a report
18 stating that, approximately, at 5 o'clock in the morn-
19 ing a Japanese Bargut cavalry unit 600 men strong,
20 armed with machine-guns and sub-machine guns, rifles
21 and grenades and accompanied by 10 trucks, had crossed
22 the state frontier in the Namun-Khan Burd-obo area and
23 was moving into our territory along the right bank of
24 the river Khailastjin Gol.
25

"Having received that report, I together with

1 a group of soldiers 40 men strong, went to the Dungur-
2 obo area, 15 klm southwest of Nomun-Khan Burd-obo,
3 leaving part of the military personnel under the com-
4 mand of my deputy on political matters, political
5 instructor Tsedjip. In the Dungur-obo area we got
6 engaged with the vanguard detachments of the Japanese
7 Bargut unit, and by means of a stubborn mobile defense
8 I succeeded to slow down the advance of the enemy.
9 The enemy was stopped by the arriving reserves of our
10 frontier guard unit on the border of Dungar-obo-Nuren-
11 obo and was forced to take to the defensive.

12 "On May 15, 1939 at about 10 o'clock in the
13 morning there appeared 5 Japanese bombers from the
14 east; they crossed the state frontier and covering a
15 distance of 30 klm over our territory, raided our out-
16 post in the vicinity of lake Sumburin Tsagan-Nur by
17 dropping 65 bombs. After that the planes machine-
18 gunned our outpost at a low flight.

19 "As a result of the air raid medical N.C.O.
20 officer Vadma and privates Tumunbair and Dashiossor
21 were killed and 25 privates were wounded.

22 "On May 15, 1939 at 1700 hours the frontier
23 guard patrols reported that in the Khulat-Ulan-obo 2
24 cavalry regiments of Japanese Bargut forces, accom-
25 panied by a tank and 7 armoured cars crossed the
state frontier. Following those cavalry detachments

1 90 trucks with Japanese infantry troops crossed the
2 state frontier in the same area.

3 "The military units that had crossed the
4 frontier, advanced into the territory of the Mongolian
5 People's Republic towards Nuren-obo, where they
6 joined the Japanese Bargut unit which had crossed the
7 state frontier on May 14, 1939 in the morning and was
8 occupying defensive positions on the border of Dungur-
9 obo Nuren-obo.

10 "Under the pressure of superior enemy forces
11 our frontier guard reserves were forced to retreat to
12 the western bank of the Khalkin-Gol river; but later
13 on units of the Mongolian Army came to our assistance,
14 and finally the Japanese Bargut units were thrown
15 back to the adjacent territory.

16 "I deem it necessary to testify that during
17 the period between the 15th to the 28th of May, 1939
18 our outpost stationed in the vicinity of lake Sunburin
19 Tsagan-Nur was subjected to frequent/ several times
20 a day/ air raids on the part of the Japanese air-
21 forces. For instance, on May 22, 1939 during one of
22 the air raids on our outpost my deputy on political
23 matters, political instructor Tsedjip was killed and
24 6 frontier guard privates were wounded. After politi-
25 cal instructor Tsedjip was killed, his post was filled

1 by political instructor Nanzat who arrived early in
2 June 1939.

3 "On June 5, 1939 I received an order to
4 transfer the outpost from the vicinity of lake Sum-
5 burin-Tsagan-Nur to an area 1 klm southwest of Khalat-
6 Ulun-obo. On June 7, 1939 our outpost was moved there.

7 "On June 28 at approximately 8 o'clock in
8 the morning I sent a frontier guard patrol of 5 men
9 under the command of my deputy on political matters
10 Nanzat with the object of taking positions 4 klm
11 southwest of Khulat-Ulan-obo and guarding the state
12 frontier. At about noon of the same day, the man on
13 duty at the outpost heard firing that was going on in
14 the area where the frontier guard patrol had been
15 dispatched to. When I arrived with a group of soldiers
16 at the spot where the firing was taking place, politi-
17 cal instructor Nanzat reported to me that a group of
18 Japanese cavalry 8 men strong, having violated the
19 state frontier, made a surprise attack against our
20 frontier guard patrol. During the ensuing engagement
21 our patrol killed 6 Japanese soldiers, a Japanese
22 officer was taken prisoner and one managed to escape
23 to the adjacent territory. I examined the dead. They
24 were all of Japanese nationality and were wearing
25 uniforms of the Japanese Army. The Japanese officer

CHOGDAN

DIRECT

38,538

1 who was brought by me to the outpost and interrogated
2 testified that his detachment had been sent out with
3 the object of carrying out reconnaissance and that
4 it made part of a unit (the number of which I don't
5 remember) of the Japanese troops.
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CHOGDAN

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CHOGDON

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1 "On June 29, 1939 at about 10 o'clock in the
2 morning the guard at the outpost, looking towards the
3 state frontier, noticed a cavalry group, 30 men strong,
4 crossing the state frontier from the adjacent state in
5 the area 2 klm. south of the mount Khylat Ulun-obo
6 and moving towards the outpost. The guard reported to
7 me about it. The alarm having been sounded, the per-
8 sonnel of the outpost occupied positions of defense.
9 The said cavalry group at a distance of 700 mt. from
10 the outpost dismounted and launched an attack against
11 the outpost. During the engagement that followed a
12 Japanese soldier was killed and one was taken prisoner.
13 The others hurriedly retreated to their former position.

14 "The personnel of the outpost under my command
15 pursued the retreating Japanese group up to the state
16 border line, and then, in strict obedience to the order
17 of our command that under no circumstances should there
18 be any violation of the state frontier, stopped the
19 persecution.

20 "Both the soldier who was killed and the one
21 who was taken prisoner were Japanese by nationality and
22 wore uniforms of the Japanese Army.

23 "Together with attacks against our outpost by
24 groups of Japanese land forces, from June 29, 1939 air
25 raids against our outpost by the Japanese aircraft

CHOGDON

DIRECT

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1 became more frequent. On June 30, 1939 in the morning
2 at about 10 o'clock I received a report from a frontier
3 guard patrol stationed 3 klm. north west of Khulat
4 Ulun-obo that a column of troops was moving along the
5 road which lead from Djindjin sume towards the state
6 frontier. The column was preceded by 8 Japanese tanks
7 and 4 armoured cars. The tanks were followed by a
8 infantry regiment behind which artillery driven by
9 horses was moving. Having received the report I pre-
10 pared the outpost for defense; I myself together with
11 the political instructor occupied an observation point
12 and with the help of field glasses proceeded to observe
13 the advance of the column; in the course of the obser-
14 vation I noticed that the column was moving towards
15 our outpost. From a distance of 1 klm. I clearly saw
16 the marching order of the Japanese infantry, who wore
17 summer Khaki uniforms, shoes with puttees and kits
18 behind their backs. In the Khulat Ulun-obo area the
19 tanks were the first to cross the state frontier of the
20 Mongolian People's Republic, and at a distance of
21 approximately 800-900 mt opened machine gun fire. Being
22 aware of the obvious superiority of the enemy as to the
23 strength and technique I decided without engaging in
24 fighting to retreat with the outpost southward.
25

"Having gone in the said direction, I was

CHOGDON

DIRECT

38,541

1 observing the movement of the column being in the rear
2 patrol; the personnel of the outpost under the command
3 of my deputy on political matters, political instructor
4 Nanzat, retreated and occupied defensive positions 12
5 klm. south of Khulet Ulun obo.

6 "Watching further the advance of the column
7 I saw that following the tanks the infantry column with
8 artillery also crossed the frontier, occupied our
9 outpost and continued moving into the territory of the
10 Mongolian People's Republic in the south-western
11 direction.

12 "Having covered a distance of 15-16 klm. into
13 the territory of the Mongolian People's Republic the
14 said column took up a position on the eastern bank of
15 the Khalkin-Gol river..

16 "In the evening of the same day I received an
17 order from my superior command and proceeded to carry
18 out another task.

19 "I have nothing to add to my testimony. It
20 has been written down correctly and has been read to
21 me. The interrogation ended at 16.30 on the 6th of
22 December 1946.

23 "Chogdon."

24 THE PRESIDENT: General Vasiliev, it has been
25 pointed out to me that the attached map is certified

1 as made by the witness and that the original map is
2 in the Russian language.

3 GENERAL VASILIEV: I propose to put some
4 additional questions to the witness and then to offer
5 this map in evidence. May I do so?

6 THE PRESIDENT: You may. How many questions?

7 GENERAL VASILIEV: Not more than three.

8 May the witness be handed his affidavit and
9 the map attached thereto?

10 (Whereupon a document was handed to

11 the witness.)

12 BY GENERAL VASILIEV (Continued):

13 Q What can you say with regard to the map drawn
14 by you? Does it correctly represent the location of
15 the border line in accordance with the official maps
16 you had at your disposal and the places of clashes?

17 A This sketch map correctly shows the state border
18 line of the Mongolian People's Republic. It also
19 correctly shows the places at which the clashes occurred
20 at the beginning of the fighting.

21 GENERAL VASILIEV: I now offer in evidence
22 the map drawn by the witness in addition to his affi-
23 davit as an annex to it.

24 THE PRESIDENT: Is that map marked in the
25 Russian language?

CHOGDON

DIRECT

38,543

1 Well, there is no objection. We will admit
2 the document on the usual terms.

3 CLERK OF THE COURT: Map attached as an annex
4 to exhibit 3862 will receive exhibit No. 3862-A.

5 (Whereupon, the document above
6 referred to was marked prosecution exhibit
7 No. 3862-A and received in evidence.)
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1 Well, there is no objection. We will admit
2 the document on the usual terms.

3 CLERK OF THE COURT: Map attached as an annex
4 to exhibit 3862 will receive exhibit No. 3862-A.

5 (Whereupon, the document above
6 referred to was marked prosecution exhibit
7 No. 3862-A and received in evidence.)
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1 Q Mr. Witness, what system of guarding the
2 eastern bank of the Khalkin-gol River had been estab-
3 lished by you in 1938 and 1939 prior to the commence-
4 ment of the events?

5 A The eastern bank of the Khalkin-gol River
6 is 15, 20 or sometimes 22 kilometers in the direction
7 of the border monuments, Ers Ulyn Obo, Huld Ulyn Obo
8 and Nomonhan Burd Obo. We every day sent out border
9 guard patrols, altogether more than ten border guard
10 patrols, for the purpose of guarding the border line.

11 Q The defense witness, Yanno MITSUI, testified
12 that in October 1938 he was going along the bank of the
13 Halha River and saw Mongolian border guards on the
14 opposite bank. However, nobody prevented him from
15 going ahead. Suppose it took place, would the Mongolian
16 border guards observe the movement of these persons
17 along the eastern bank of the river?

18 MR. BLAKENEY: I object to that question as
19 calling for the conclusion of the witness.
20

21 THE PRESIDENT: Do you mean to ask him whether
22 there was anything to obscure the view of the Mongolian
23 guards?

24 THE WITNESS: As I mentioned previously, the
25 eastern bank of the Khalkin-gol River was 22 kilometers
from the state border line, and, therefore, as this

1 sector of the frontier was guarded by our border guards
2 this group of people couldn't penetrate into this
3 territory such a long distance, I mean penetrate onto
4 the eastern bank of the Khalkin-gol River at such long
5 distance.

6 GENERAL VASILIEV: You may cross-examine.

7 THE RUSSIAN INTERPRETER: The witness says
8 he hasn't finished his answer.

9 GENERAL VASILIEV: Go on.

10 A I have mentioned already that the distance
11 between the state border line and the east bank of the
12 Khalkin-gol River is rather long, and, therefore the
13 Japanese trespassers couldn't penetrate for such a long
14 distance into our territory because passing by our
15 border guards -- because these border guards would have
16 detained them.

17 Slight addition: They would have been detained
18 near the state border line and not on the eastern bank
19 of the Halha River.

20 GENERAL VASILIEV: The defense may now cross-
21 examine. Oh, you haven't finished.

22 THE WITNESS: I may give the following example:
23 In October 1938 when our border guard patrol was 6
24 kilometers from the point called Talinmanhan, which was
25 6 kilometers from the state border line, thirty

1 Japanese on two cars violated the state border line,
2 and being fired upon by our border guards were driven
3 back into their territory. Therefore, the testimony
4 of the gentleman you mentioned is not trustworthy. I
5 don't know whether this gentleman was in that group of
6 thirty Japanese which I mentioned or not, but if he was
7 not I don't know any other case of the violation of the
8 state border line. The point called Talinmanhan is
9 southwest of the Nomonhan Burd Obo.

10 GENERAL VASILIEV: You may cross-examine.

11 THE PRESIDENT: Major Blakeney.

12 CROSS-EXAMINATION

13 BY MR. BLAKENEY:

14 Q Witness, do you know the Russian language?

15 A I do not know Russian language.

16 Q Can you write it?

17 A I said I do not know the Russian language.

18 Q How do you account for the fact that the orig-
19 inal of the map annexed to your affidavit is written
20 in the Russian language and yet is certified to have
21 been made by you?

22 A I served in this sector of the border for a
23 long time and, therefore, I know that area very well.
24 Therefore, I can read this map also very well. That
25 was the first reason. And, secondly, being an officer

I understand maps, I can read them.

1 Q This map is stated to have been made by you.
2 Is that the truth or is it not?

3 A I did not understand your question, Mr. Defense
4 Counsel.

5 Q Did you make this map?

6 A This map was drawn up by another person under
7 my direct instructions.

8 Q Who was that other person?

9 A What was said in my affidavit was marked on
10 the map.

11 Q Who was the person who drew the map?

12 A I don't know the name of the person who made
13 this map in accordance with my instructions.

14 Q When and where was the map made in accordance
15 with your instructions by this unknown person?

16 A Will you kindly repeat the question?

17 Q When and where was the map made?

18 A This map was drawn in Ulan Bator in 1946
19 after I had given my testimony.

20 THE RUSSIAN MONITOR: After my affidavit was
21 drawn.

22 Q Was the person who drew the map a Mongolian?

23 A As I didn't see this man personally I don't
24 know what his nationality was, whether he was a Mongol
25

1 or not.

2 Q Were you shown the map after it was drawn?

3 A After my affidavit had been administered I
4 was shown this map.

5 THE PRESIDENT: It is now four o'clock. But
6 I won't interrupt your cross-examination if you would
7 like to go on for a few minutes.

8 MR. BLAKENEY: It doesn't matter.

9 THE PRESIDENT: We will adjourn until half
10 past nine tomorrow morning.

11 (Whereupon, at 1600, an adjournment
12 was taken until Friday, 30 January 1948, at
13 0930.)

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